

**SIEMENS**

**Mobility**

**Facsimile (916) 227-6282**

December 14, 2016

Ms. Jill Y. Sewell  
Office Chief  
State of California Dept. of Transportation  
Program/Project Management & Office Engineering  
Construction Contract Awards  
Division of Engineering Services  
1727 30th Street, MS43  
Sacramento, CA, 95816-7005

**RE: Bid Protest – Additional Supporting Information – 08-0E5514**

Dear Ms. Sewell,

Siemens Industry, Inc. is offering additional supporting information for our Bid Protest filed with your office on November 28, 2016.

*The number of days to provide DBE commitment is stated in 49 CFR 53(b)(3)(i)(B), "No later than 7 days after bid opening as a matter of responsibility."*

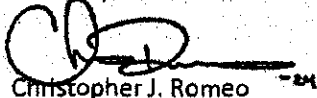
At this time and by this letter, Siemens Industry is calling to the Department's attention that the special provisions for contract 08-0E5514, Section 2-1.33A General states, "failure to submit the forms and information as specified "may" (emphasis added) result in a nonresponsive bid.

The Department clearly establishes a fair playing field for all bidders with the inclusion of the paragraph above. Therefore there is no unfair advantage created for Siemens by accepting its DBE commitment after the recommended 4 days but before the maximum time allowed by the CFR. This is particularly true in view of the reasons furnished in our November 28 protest letter – namely that Siemens was unable to determine to whom the DBE forms should be returned since there was no direction for the same in any of the bidding documentation. In fact, Siemens did provide its DBE commitment forms well within the time frame announced by the federal regulations of the DOT which guidance provides further support for the validity of our bid protest.

For the above reasons as well as those contained in our original November 28 protest we respectfully request again that CALTRANS Project 08-0E5514 be awarded to Siemens Industry, Inc. as it is the lowest responsive and responsible bidder.

Please contact me directly if you have any questions or to discuss this matter further.

Sincerely,



Christopher J. Romeo  
Director of Sales, Traffic Services; U.S.

Siemens Industry, Inc.  
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**FAX COVER SHEET**

TO	Mulissa Smith
COMPANY	CaltransDES
FAXNUMBER	19162276282
FROM	ChristopherRomeo
DATE	2016-12-14 13:40:32 GMT
RE	RE: Bid Protest – 08-0E5514

**COVER MESSAGE**

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